
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

2014-1712

SFA SYSTEMS, LLC

Plaintiff-Appellee,

V.

NEWEGG INC.

Defendant-Appellant,

Appeal from the United States District Court for the Eastern District of Texas in
case no. 6:09-cv-00340 and case no. 6:11-cv-00399 Judge Leonard Davis

**APPELLEE SFA SYSTEMS, LLC'S
UNOPPOSED MOTION TO EXTEND TIME TO FILE RESPONSIVE
BRIEF**

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SFA Systems, LLC

November 26, 2014

**APPELLEE SFA SYSTEMS, LLC’S UNOPPOSED MOTION TO EXTEND
TIME TO FILE RESPONSIVE BRIEF**

Pursuant to Federal Circuit Rule 26(b), Appellee SFA Systems, LLC (“SFA”) hereby moves the Court for an extension of time to file its responsive brief by 45 days, from December 11, 2014 to January 26, 2015. SFA has notified counsel for Appellant Newegg, Inc. (“Newegg”) of its intent to seek this extension and Newegg does not object.¹ *See* Declaration of Marc A. Fenster, ¶ 2.

SFA seeks this extension of time in order to provide adequate time for SFA to retain and substitute new counsel, who will prepare SFA’s responsive brief. New counsel will need time to familiarize himself with Newegg’s opening brief and the appendix. Given the upcoming holidays, new counsel will need additional time for this and to prepare SFA’s responsive brief. *See id.* at ¶ 3. SFA has not received any prior extensions of time to meet any deadlines in this matter. *Id.* at ¶ 4. SFA did not oppose Newegg’s prior motion for an extension of time to file its opening brief. *See id.* at ¶ 6, D.I. 24. That motion was granted. *See* D.I. 25.

Therefore, for good cause shown, SFA respectfully requests that this Honorable Court extend the deadline for SFA to file its responsive brief by 45 days, from December 11, 2014 to January 26, 2015.

¹ Although Newegg does not oppose SFA’s motion for extension, Newegg has requested that SFA convey Newegg’s position that the delay in this appeal caused by SFA’s voluntary change in counsel prejudices Newegg’s rights. SFA, of course, disagrees with this position.

Respectfully submitted,

DATED: November 26, 2014

RUSS, AUGUST & KABAT
Marc A. Fenster
Adam S. Hoffman

By: /s/ Marc A. Fenster
Marc A. Fenster
Counsel for Plaintiff-Appellee
SFA Systems, LLC

DECLARATION OF MARC A. FENSTER

I, Marc A. Fenster, hereby declare:

1. I am a member of Russ August & Kabat, counsel of record for Appellant SFA Systems, LLC (“SFA”). I have personal knowledge of the facts stated herein and could and would testify competently thereto.
2. SFA has notified Newegg of its intent to seek an extension of 45 days to file its responsive brief and Newegg does not object.
3. SFA intends to retain new counsel to handle this matter and is in the process of doing so. New counsel will need time to familiarize himself with Newegg’s opening brief and the appendix. Given the upcoming holidays, new counsel will need additional time for this and to prepare SFA’s responsive brief.
4. SFA has not received any prior extensions of time to meet any deadlines in this matter.
5. SFA previously did not oppose Newegg, Inc.’s motion for an extension of time to file its opening brief. That motion was granted.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 19, 2014 at Los Angeles, California.

/s/ Marc A. Fenster
Marc A. Fenster

PROOF OF SERVICE

I hereby certify that on this 26th day of September, 2014, SFA Systems LLC's **UNOPPOSED MOTION TO EXTEND TIME TO FILE RESPONSIVE BRIEF** was served with the Court's ECF filing system to counsel of record listed below:

<p>Kent E. Baldauf, Jr., Email: kbaldaufjr@webblaw.com Daniel H. Brean Email: dbrean@webblaw.com The Webb Law Firm Suite 1200 One Gateway Center 420 Ft. Duquesne Boulevard Pittsburgh, PA 15222 Direct: 412-471-8815 Fax: 412-471-4094</p> <p>Richard Gregory Frenkel Email: rick.frenkel@lw.com Latham & Watkins LLP 140 Scott Drive Menlo Park, CA 94025 Direct: 650-463-3080 Fax: 650-463-2600</p> <p>Edward R. Reines Email: edward.reines@weil.com Weil, Gotshal & Manges LLP Firm: 650-802-3000 201 Redwood Shores Parkway Redwood Shores, CA 94065 Direct: 650-802-3000 Fax: 650-802-3100</p>	<p>Counsel for Newegg Inc.</p>
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/s/ Marc A. Fenster
Marc A. Fenster
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SFA Systems, LLC